



Sen. Edward D. Maloney

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09400SB1628sam001

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1 AMENDMENT TO SENATE BILL 1628

2 AMENDMENT NO. _____. Amend Senate Bill 1628 on page 1,
3 line 5 by replacing "Sections" with "Sections 1-5,"; and

4 on page 1, by inserting after line 7 the following:

5 "(5 ILCS 430/1-5)

6 Sec. 1-5. Definitions. As used in this Act:

7 "Appointee" means a person appointed to a position in or
8 with a State agency, regardless of whether the position is
9 compensated.

10 "Campaign for elective office" means any activity in
11 furtherance of an effort to influence the selection,
12 nomination, election, or appointment of any individual to any
13 federal, State, or local public office or office in a political
14 organization, or the selection, nomination, or election of
15 Presidential or Vice-Presidential electors, but does not
16 include activities (i) relating to the support or opposition of
17 any executive, legislative, or administrative action (as those
18 terms are defined in Section 2 of the Lobbyist Registration
19 Act), (ii) relating to collective bargaining, or (iii) that are
20 otherwise in furtherance of the person's official State duties.

21 "Candidate" means a person who has filed nominating papers
22 or petitions for nomination or election to an elected State
23 office, or who has been appointed to fill a vacancy in
24 nomination, and who remains eligible for placement on the

1 ballot at either a general primary election or general
2 election.

3 "Collective bargaining" has the same meaning as that term
4 is defined in Section 3 of the Illinois Public Labor Relations
5 Act.

6 "Commission" means an ethics commission created by this
7 Act.

8 "Compensated time" means any time worked by or credited to
9 a State employee that counts toward any minimum work time
10 requirement imposed as a condition of employment with a State
11 agency, but does not include any designated State holidays or
12 any period when the employee is on a leave of absence.

13 "Compensatory time off" means authorized time off earned by
14 or awarded to a State employee to compensate in whole or in
15 part for time worked in excess of the minimum work time
16 required of that employee as a condition of employment with a
17 State agency.

18 "Contribution" has the same meaning as that term is defined
19 in Section 9-1.4 of the Election Code.

20 "Employee" means (i) any person employed full-time,
21 part-time, or pursuant to a contract and whose employment
22 duties are subject to the direction and control of an employer
23 with regard to the material details of how the work is to be
24 performed or (ii) any appointee.

25 "Executive branch constitutional officer" means the
26 Governor, Lieutenant Governor, Attorney General, Secretary of
27 State, Comptroller, and Treasurer.

28 "Gift" means any gratuity, discount, entertainment,
29 hospitality, loan, forbearance, or other tangible or
30 intangible item having monetary value including, but not
31 limited to, cash, food and drink, and honoraria for speaking
32 engagements related to or attributable to government
33 employment or the official position of an employee, member, or
34 officer.

1 "Governmental entity" means a unit of local government or a
2 school district but not a State agency.

3 "Leave of absence" means any period during which a State
4 employee does not receive (i) compensation for State
5 employment, (ii) service credit towards State pension
6 benefits, and (iii) health insurance benefits paid for by the
7 State.

8 "Legislative branch constitutional officer" means a member
9 of the General Assembly and the Auditor General.

10 "Legislative leader" means the President and Minority
11 Leader of the Senate and the Speaker and Minority Leader of the
12 House of Representatives.

13 "Member" means a member of the General Assembly.

14 "Officer" means an executive branch constitutional officer
15 or a legislative branch constitutional officer.

16 "Political" means any activity in support of or in
17 connection with any campaign for elective office or any
18 political organization, but does not include activities (i)
19 relating to the support or opposition of any executive,
20 legislative, or administrative action (as those terms are
21 defined in Section 2 of the Lobbyist Registration Act), (ii)
22 relating to collective bargaining, or (iii) that are otherwise
23 in furtherance of the person's official State duties or
24 governmental and public service functions.

25 "Political organization" means a party, committee,
26 association, fund, or other organization (whether or not
27 incorporated) that is required to file a statement of
28 organization with the State Board of Elections or a county
29 clerk under Section 9-3 of the Election Code, but only with
30 regard to those activities that require filing with the State
31 Board of Elections or a county clerk.

32 "Prohibited political activity" means:

33 (1) Preparing for, organizing, or participating in any
34 political meeting, political rally, political

1 demonstration, or other political event.

2 (2) Soliciting contributions, including but not
3 limited to the purchase of, selling, distributing, or
4 receiving payment for tickets for any political
5 fundraiser, political meeting, or other political event.

6 (3) Soliciting, planning the solicitation of, or
7 preparing any document or report regarding any thing of
8 value intended as a campaign contribution.

9 (4) Planning, conducting, or participating in a public
10 opinion poll in connection with a campaign for elective
11 office or on behalf of a political organization for
12 political purposes or for or against any referendum
13 question.

14 (5) Surveying or gathering information from potential
15 or actual voters in an election to determine probable vote
16 outcome in connection with a campaign for elective office
17 or on behalf of a political organization for political
18 purposes or for or against any referendum question.

19 (6) Assisting at the polls on election day on behalf of
20 any political organization or candidate for elective
21 office or for or against any referendum question.

22 (7) Soliciting votes on behalf of a candidate for
23 elective office or a political organization or for or
24 against any referendum question or helping in an effort to
25 get voters to the polls.

26 (8) Initiating for circulation, preparing,
27 circulating, reviewing, or filing any petition on behalf of
28 a candidate for elective office or for or against any
29 referendum question.

30 (9) Making contributions on behalf of any candidate for
31 elective office in that capacity or in connection with a
32 campaign for elective office.

33 (10) Preparing or reviewing responses to candidate
34 questionnaires in connection with a campaign for elective

1 office or on behalf of a political organization for
2 political purposes.

3 (11) Distributing, preparing for distribution, or
4 mailing campaign literature, campaign signs, or other
5 campaign material on behalf of any candidate for elective
6 office or for or against any referendum question.

7 (12) Campaigning for any elective office or for or
8 against any referendum question.

9 (13) Managing or working on a campaign for elective
10 office or for or against any referendum question.

11 (14) Serving as a delegate, alternate, or proxy to a
12 political party convention.

13 (15) Participating in any recount or challenge to the
14 outcome of any election, except to the extent that under
15 subsection (d) of Section 6 of Article IV of the Illinois
16 Constitution each house of the General Assembly shall judge
17 the elections, returns, and qualifications of its members.

18 "Prohibited source" means any person or entity who:

19 (1) is seeking official action (i) by the member or
20 officer or (ii) in the case of an employee, by the employee
21 or by the member, officer, State agency, or other employee
22 directing the employee;

23 (2) does business or seeks to do business (i) with the
24 member or officer or (ii) in the case of an employee, with
25 the employee or with the member, officer, State agency, or
26 other employee directing the employee;

27 (3) conducts activities regulated (i) by the member or
28 officer or (ii) in the case of an employee, by the employee
29 or by the member, officer, State agency, or other employee
30 directing the employee;

31 (4) has interests that may be substantially affected by
32 the performance or non-performance of the official duties
33 of the member, officer, or employee; or

34 (5) is registered or required to be registered with the

1 Secretary of State under the Lobbyist Registration Act,
2 except that an entity not otherwise a prohibited source
3 does not become a prohibited source merely because a
4 registered lobbyist is one of its members or serves on its
5 board of directors.

6 "State agency" includes all officers, boards, commissions
7 and agencies created by the Constitution, whether in the
8 executive or legislative branch; all officers, departments,
9 boards, commissions, agencies, institutions, authorities,
10 public institutions of higher education ~~learning~~ as defined in
11 Section 2 of the Higher Education Cooperation Act, and bodies
12 politic and corporate of the State; and administrative units or
13 corporate outgrowths of the State government which are created
14 by or pursuant to statute, other than units of local government
15 and their officers, school districts, and boards of election
16 commissioners; and all administrative units and corporate
17 outgrowths of the above and as may be created by executive
18 order of the Governor. "State agency" includes the General
19 Assembly, the Senate, the House of Representatives, the
20 President and Minority Leader of the Senate, the Speaker and
21 Minority Leader of the House of Representatives, the Senate
22 Operations Commission, and the legislative support services
23 agencies. "State agency" includes the Office of the Auditor
24 General. "State agency" does not include the judicial branch.

25 "State employee" means any employee of a State agency.

26 "Ultimate jurisdictional authority" means the following:

27 (1) For members, legislative partisan staff, and
28 legislative secretaries, the appropriate legislative
29 leader: President of the Senate, Minority Leader of the
30 Senate, Speaker of the House of Representatives, or
31 Minority Leader of the House of Representatives.

32 (2) For State employees who are professional staff or
33 employees of the Senate and not covered under item (1), the
34 Senate Operations Commission.

1 (3) For State employees who are professional staff or
2 employees of the House of Representatives and not covered
3 under item (1), the Speaker of the House of
4 Representatives.

5 (4) For State employees who are employees of the
6 legislative support services agencies, the Joint Committee
7 on Legislative Support Services.

8 (5) For State employees of the Auditor General, the
9 Auditor General.

10 (6) For State employees of public institutions of
11 higher learning as defined in Section 2 of the Higher
12 Education Cooperation Act, the board of trustees of the
13 appropriate public institution of higher learning.

14 (7) For State employees of an executive branch
15 constitutional officer other than those described in
16 paragraph (6), the appropriate executive branch
17 constitutional officer.

18 (8) For State employees not under the jurisdiction of
19 paragraph (1), (2), (3), (4), (5), (6), or (7), the
20 Governor.

21 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03;
22 93-685, eff. 7-8-04.)".; and

23 by replacing "learning" at each of the following places with
24 "education":

25 page 1, lines 16 and 27;

26 page 3, line 8; and

27 page 4, lines 8, 12, and 21.